

ENTERED

December 21, 2020

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISIONJEREMY JAMES JOSEPH,
SPN #03060619,

Plaintiff,

v.

JUDGE HILARY UNGER, *et al.*,

Defendants.

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CIVIL ACTION NO. 4:20-3545

ORDER OF DISMISSAL

Plaintiff Jeremy James Joseph filed this civil-rights action when detained in the Harris County Jail. His complaint brings claims against the judge who presided over his criminal case, his defense attorney, and other officials. On November 30, 2020, the Clerk issued a notice of deficient pleading (Dkt. 6), which has been returned to the Court as undeliverable (Dkt. 8). A search of the Harris County Jail's public records (https://www.harriscountytso.org/JailInfo/HCSO_FindSomeoneInJail.aspx) confirms that Joseph is not in custody. Joseph has not provided the Court with an updated address as required by Rule 83.4 of the Local Rules for the Southern District of Texas.

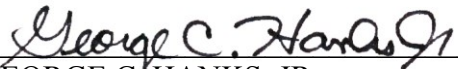
Joseph's failure to pursue this action leads the Court to conclude that he lacks due diligence. Under the inherent powers necessarily vested in a district court to manage its own affairs, the Court determines that dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Gates v. Strain*, 885 F.3d 874 (5th Cir. 2018); *Nottingham v. Warden, Bill Clements Unit*, 837 F.3d 438, 440–41 (5th Cir. 2016) (a district court may dismiss an action *sua sponte* for failure to prosecute an action or to comply with court

orders). However, relief from this order may be granted if the plaintiff makes a proper showing under Rule 60(b) of the Federal Rules of Civil Procedure.

The Court **ORDERS** that this case is **DISMISSED without prejudice**. All pending motions, if any, are **DENIED as moot**.

The Clerk will provide a copy of this order to the parties.

SIGNED at Houston, Texas, this 18th day of December, 2020.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE